

Selected docket entries for case 15-4057

Generated: 02/05/2015 17:31:05

Filed	Document Description	Page	Docket Text
01/30/2015	<u>1</u>	2	Criminal case docketed. Originating case number: 1:13-cr-00435-WO-1. Date notice of appeal filed: 01/29/2015. Case manager: CBennett. [15-4057] (CB)
02/03/2015	<u>2</u>		DOCUMENT re transcript by Appellant Brian David Hill. [999522857] [15-4057] (CB)
	<u>2</u> Transcript from Jane Calhoun	3	
	<u>2</u> Transcript from Joseph Armstrong	7	
	<u>2</u> envelope	15	
02/05/2015	<u>3</u>		ORDER filed [999524497] appointing/assigning counsel. Nunc pro Tunc Date: 02/05/2015. Additional attorneys added: Mark A. Jones for Brian David Hill, in case 15-4057 Representation Type: CJA-TD.. Copies to all parties. Mailed to: Brian Hill, 916 Chalmers Street, #2D, Martinsville, VA 24112. [15-4057]--[Edited 02/05/2015 by CB] (LM)
	<u>3</u> Appointment Order	16	
	<u>3</u> New Counsel Notice	18	
02/05/2015	<u>4</u>	24	DOCKETING NOTICE issued Re: [<u>1</u>] case docketed. Initial forms due within 14 days. Originating case number: 1:13-cr-00435-WO-1.. [15-4057] (CB)
02/05/2015	<u>5</u> Appearance of counsel (Local Rule 46(c))	30	APPEARANCE OF COUNSEL (Local Rule 46(c)) for US.[999524722] [15-4057] Anand Ramaswamy
02/05/2015	<u>6</u> MOTION	31	MOTION by Appellee US to dismiss appeal [6]. Date and method of service: 02/05/2015 ecf. [999524726] [15-4057] Anand Ramaswamy
02/05/2015	<u>7</u>	36	NOTICE ISSUED to Mr. Mark A. Jones for Brian David Hill requesting response to Motion to dismiss appeal [6]. Response due: 02/20/2015.[999524730].. [15-4057] (CB)

FILED: January 30, 2015

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4057
(1:13-cr-00435-WO-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRIAN DAVID HILL

Defendant - Appellant

This case has been opened on appeal.

Originating Court	United States District Court for the Middle District of North Carolina at Greensboro
Originating Case Number	1:13-cr-00435-WO-1
Date notice of appeal filed in originating court:	01/29/2015
Appellant (s)	Brian David Hill
Appellate Case Number	15-4057
Case Manager	Cathi Bennett 804-916-2704

**In the United States District Court
for the Middle District of North Carolina
Greensboro Division**

Defendant, ~~Brian D. Hill~~

Brian David Hill

v. Criminal Action No. 1:13cr435-1

Plaintiff, United States of America

REQUEST FOR TRANSCRIPT

Transcripts are requested for appeal purposes

for case 13-cr-435 of proceedings held as follows :

Status Conference 6/4/2014

before JUDGE N. C. TILLEY, JR

*CJA Voucher requested to pay Transcript fees as I
am indigent under CJA status. So pursuant to the
Criminal Justice Act (18 U.S.C. § 3206A) for purposes of
Appeal, I ask for the Transcript under CJA Voucher.*

Brian D. Hill *Jan 30, 2015*
signed

Brian D. Hill (pro se)

916 Chalmer St, Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

RECEIVED
2015 FEB -3 AM 9:50
U.S. COURT OF APPEALS
FOURTH CIRCUIT

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing

by deposit in the United States Mail, Postage prepaid,

on January 30th, 2015

a true and correct copy of the foregoing

REQUEST FOR TRANSCRIPT, and signed CJA Voucher form(attached)

addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

and a true and correct copy addressed to:

Jane Allen-Calhoun, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

and a true and correct addressed to:
U.S. Court of Appeals
1100 E. Main St. Suite 501
Richmond, VA 23219

Brian D. Hill Jan 30, 2015

Brian D. Hill (pro se)

916 Chalmer St, Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

January 30th, 2015

Jane Allen-Calhoun, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

Re: U.S. v. Hill, District Court # 13CR435

1:13CR435-1

Enclosed please find a copy of a request for transcript filed with the court.

Status Conference 6/4/2014 - 10 pages

I am enclosing a copy of the CJA 24 voucher (filed with Clerk of the Court) form I have signed asking the United States to pay the transcript service fee. Since I am indigent I am sure the government will pay for the transcript fee for my Request for transcript.

If a fee is required, please ask the court how much I would be required to pay.

If you have any question, please let me know.

Best wishes to you,

Brian D. Hill
916 Chalmers St, Apt. D, Martinsville, VA 24112
Phone: (276)632-2599

Brian D. Hill
Signed

Enc.

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./ DIV. CODE		2. PERSON REPRESENTED Brian David Hill		VOUCHER NUMBER			
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER			
6. OTHER DKT. NUMBER		7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Appeal <input type="checkbox"/> Petty Offense <input type="checkbox"/> Other			
9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) Pro Se					
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense. 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)							
REQUEST AND AUTHORIZATION FOR TRANSCRIPT							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Status Conference, hearings for Pro Se motions filed - 6/4/2014 - 10 Pages							
14. SPECIAL AUTHORIZATIONS					JUDGE'S INITIALS		
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.							
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. Brian D. Hill Signature of Attorney Brian David Hill(Pro Se) Printed Name Telephone Number: (276) 632-2599 <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input checked="" type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization			16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. _____ Signature of Presiding Judge or By Order of the Court _____ Date of Order Nunc Pro Tunc Date				
CLAIM FOR SERVICES							
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other			18. PAYEE'S NAME AND MAILING ADDRESS Jane Allen-Calhoun, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401 Telephone Number: (336) 332-6033				
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.							
20. TRANSCRIPT		INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original		1-10	10	\$3.65			\$36.50
Copy		1-10	10	\$0.90			\$9.00
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:							\$45.50
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
ATTORNEY CERTIFICATION							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk _____ Date							
APPROVED FOR PAYMENT — COURT USE ONLY							
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court _____ Date						24. AMOUNT APPROVED	

**In the United States District Court
for the Middle District of North Carolina
Greensboro Division**

Defendant, ~~Brian D. Hill~~

Brian David Hill

v. Criminal Action No. 1:13cr435-1

Plaintiff, United States of America

REQUEST FOR TRANSCRIPT

Transcripts are requested for appeal purposes

for case 13-cr-435 of proceedings held as follows :

Change of Plea Hearing 6/10/2014

before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Motion Hearing 9/3/2014

before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Called for sentencing 9/30/2014

before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Status Conference 10/15/2014

before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Sentencing Hearing 11/10/2014

before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Brian D. Hill
signed

Brian D. Hill (pro se)

916 Chalmer St, Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

Jan 30 2015

*CJA Vouchers requested to
pay Transcript fees as I
am indigent under CJA
status. So pursuant to
the Criminal Justice Act
(18 U.S.C § 3026A) for purposes
of Appeal I ask for the
Transcripts under CJA Voucher.*

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing

by deposit in the United States Mail, Postage prepaid,

on January 30th, 2015

a true and correct copy of the foregoing

REQUEST FOR TRANSCRIPT, and signed CJA Voucher forms (attached)

addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

and a true and correct copy addressed to:

Joseph Armstrong Court, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

and a true and correct copy addressed to:

U.S. Court of Appeals
1100 E. Main St. Suite 501
Richmond, VA 23219

Brian D. Hill Jan 30, 2015

Brian D. Hill (pro se)

916 Chalmer St, Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

January 30th, 2015

Joseph Armstrong, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

Re: U.S. v. Hill, District Court # 13CR435

1:13CR435-1

Enclosed please find a copy of a request for transcript filed with the court.

Change of Plea Hearing 6/10/2014
Motion Hearing 9/03/2014
Called for sentencing 9/30/2014
Status Conference 10/15/2014
Sentencing Hearing 11/10/2014

I am enclosing a copy of the CJA 24 voucher (filed with Clerk of the Court) form I have signed asking the United States to pay the transcript service fee. Since I am indigent I am sure the government will pay for the transcript fee for my Request for transcript. *Multiple forms enc.*

If a fee is required, please ask the court how much I would be required to pay.

If you have any question, please let me know.

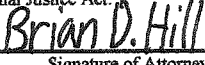
Best wishes to you,

Brian D. Hill (Pro Se)
916 Chalmers St, Apt. D, Martinsville, VA 24112
Phone: (276)632-2599


Brian D. Hill
Signed

Enc.

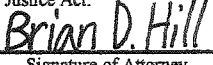
CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED Brian David Hill		VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER	
7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	
10. REPRESENTATION TYPE (See Instructions) Pro Se					
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)					
REQUEST AND AUTHORIZATION FOR TRANSCRIPT					
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.					
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). <i>NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14).</i> Change of Plea Hearing - 6/10/2014 - 28 Pages					
14. SPECIAL AUTHORIZATIONS					JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)					
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited					
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions					
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.					
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>  Signature of Attorney </div> <div> 01/30/2015 Date </div> </div> <div style="margin-top: 10px;"> Brian David Hill(Pro Se) Printed Name </div> <div style="margin-top: 10px;"> Telephone Number: (276) 632-2599 <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input checked="" type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization </div>			16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. <div style="margin-top: 20px;"> _____ Signature of Presiding Judge or By Order of the Court </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div> _____ Date of Order </div> <div> _____ Nunc Pro Tunc Date </div> </div>		
CLAIM FOR SERVICES					
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other			18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401		
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.			Telephone Number: (336) 332-6034		
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED
Original	1-28	28	\$3.65		
Copy	1-28	28	\$0.90		
Expense (Itemize)	These are only estimated costs.				
TOTAL AMOUNT CLAIMED:					\$127.40
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Signature of Claimant/Payee _____</div> <div>Date _____</div> </div>					
ATTORNEY CERTIFICATION					
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Signature of Attorney or Clerk _____</div> <div>Date _____</div> </div>					
APPROVED FOR PAYMENT — COURT USE ONLY					
23. APPROVED FOR PAYMENT <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Signature of Judge or Clerk of Court _____</div> <div>Date _____</div> </div>					24. AMOUNT APPROVED

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./ DIV. CODE		2. PERSON REPRESENTED Brian David Hill		VOUCHER NUMBER			
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) Pro Se	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)							
REQUEST AND AUTHORIZATION FOR TRANSCRIPT							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). <i>NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14).</i> Motion Hearing - 9/03/2014 - 25 Pages							
14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
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17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.				Telephone Number: (336) 332-6034			
20. TRANSCRIPT		INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original		1-25	25	\$3.65			\$91.25
Copy		1-25	25	\$0.90			\$22.50
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:							\$113.75
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
ATTORNEY CERTIFICATION							
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APPROVED FOR PAYMENT — COURT USE ONLY							
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court Date						24. AMOUNT APPROVED	

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

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14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
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CLAIM FOR SERVICES							
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.				Telephone Number: (336) 332-6034			
20. TRANSCRIPT		INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original		1-22	22	\$3.65			\$80.30
Copy		1-22	22	\$0.90			\$19.80
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:							\$100.10
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
ATTORNEY CERTIFICATION							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk Date							
APPROVED FOR PAYMENT — COURT USE ONLY							
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court Date						24. AMOUNT APPROVED	

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED Brian David Hill		VOUCHER NUMBER			
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) Pro Se	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)							
REQUEST AND AUTHORIZATION FOR TRANSCRIPT							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Status Conference - 10/15/2014 - 13 Pages							
14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.							
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. <div style="text-align: center;"> <u>Brian D. Hill</u> Signature of Attorney 01/30/2015 Date Brian David Hill(Pro Se) Printed Name Telephone Number: (276) 632-2599 <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input checked="" type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization </div>				16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. <div style="text-align: center;"> _____ Signature of Presiding Judge or By Order of the Court _____ Date of Order Nunc Pro Tunc Date </div>			
CLAIM FOR SERVICES							
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401 Telephone Number: (336) 332-6034			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.							
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL	
Original	1-13	13	\$3.65			\$47.45	
Copy	1-13	13	\$0.90			\$13.90	
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:						\$61.35	
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
ATTORNEY CERTIFICATION							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk Date							
APPROVED FOR PAYMENT — COURT USE ONLY							
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court Date						24. AMOUNT APPROVED	

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED Brian David Hill		VOUCHER NUMBER			
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) Pro Se	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)							
REQUEST AND AUTHORIZATION FOR TRANSCRIPT							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). <i>NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14).</i> Sentencing Hearing - 11/10/2014 - 17 Pages							
14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.							
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. <div style="display: flex; justify-content: space-between;"> <div> <u>Brian D. Hill</u> Signature of Attorney </div> <div> <u>01/30/2015</u> Date </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> <u>Brian David Hill(Pro Se)</u> Printed Name </div> <div> <u>(276) 632-2599</u> Telephone Number </div> </div> <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input checked="" type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization				16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div> _____ Signature of Presiding Judge or By Order of the Court </div> <div> _____ Date of Order </div> <div> _____ Nunc Pro Tunc Date </div> </div>			
CLAIM FOR SERVICES							
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.				Telephone Number: (336) 332-6034			
20. TRANSCRIPT		INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original		1-17	17	\$3.65			\$62.05
Copy		1-17	17	\$0.90			\$15.30
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:							\$77.35
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. <div style="display: flex; justify-content: space-between;"> <div>Signature of Claimant/Payee _____</div> <div>Date _____</div> </div>							
ATTORNEY CERTIFICATION							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Signature of Attorney or Clerk _____</div> <div>Date _____</div> </div>							
APPROVED FOR PAYMENT — COURT USE ONLY							
23. APPROVED FOR PAYMENT <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Signature of Judge or Clerk of Court _____</div> <div>Date _____</div> </div>						24. AMOUNT APPROVED	

Brian David Hill
916 Chalmers St. Apt. D
Martinsville, VA 24112

U.S.W.G.O.

CERTIFIED MAIL™



7013 3020 0002 2463 1552

2 Request for Transcripts

Clerk Of Court

U.S. Court of Appeals
1100 East Main Street
Suite 501

Richmond, VA 23219

Mailed Jan 30, 2015

U.S. POSTAGE
PAID
MARTINSVILLE, VA
JAN 30 2015
AMOUNT
\$4.21
00015488-05



23219

1000

03 2015

FILED: February 5, 2015

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4057
(1:13-cr-00435-WO-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRIAN DAVID HILL

Defendant - Appellant

O R D E R

The court appoints Mark A. Jones to represent appellant on appeal. Counsel is referred to the memorandum on [Payment of Counsel Appointed under the Criminal Justice Act](#) for information on appointment terms.

In light of this appointment, appellate counsel is granted access to sealed district court material, with the exception of ex parte or in camera material to which defense counsel did not have access in the district court. Any transcripts sent to prior counsel shall be provided by prior counsel to newly appointed counsel.

The court having appointed new counsel for purposes of this appeal, any motion for further substitution of counsel shall be disfavored.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
OFFICE OF THE CLERK**

1100 East Main Street, Suite 501

Richmond, Virginia 23219-3517

www.ca4.uscourts.gov

Patricia S. Connor
Clerk

Telephone
804-916-2700

February 5, 2015

NEW CJA COUNSEL NOTICE

No. 15-4057, US v. Brian D. Hill
1:13-cr-00435-WO-1

TO: Mr. Mark A. Jones
BELL, DAVIS & PITT, PA
P. O. Box 21029
Suite 600
Winston-Salem, NC 27120-1029
336-714-4122
mjones@belldavispitt.com

Thank you for accepting initial appointment on appeal in this case. This office will work with you in any way necessary in connection with the appointment. The court uses a shorter briefing schedule in criminal cases and gives criminal cases priority on the docket under FRAP 31(a)(2). Since it is unusual to be granted more than one extension of the briefing schedule, your attention to the prompt briefing of the case is appreciated. The case manager for this case is Cathi Bennett, and the following information is provided for your use (click on an underlined document to access the document on the court's web site, www.ca4.uscourts.gov).

Initial Forms: Following forms must be filed within 14 days.

- [Appearance of Counsel](#) (must be registered for electronic case filing)
- [Docketing Statement](#) (if not yet filed)
- [Transcript Order Form](#) (order any necessary transcript)
- [CJA-24 Transcript Application](#) (if transcript is ordered)

Appointment and Case Information: Time and expense records must be maintained in accordance with the [CJA Payment Memorandum and Worksheets](#) to permit payment at the end of the case.

If appointed counsel has not previously received CJA payments from the federal courts, or if their information has changed, counsel should complete the [CJA Taxpayer Identification Form](#). Counsel not yet registered for electronic filing should proceed to the court's web site to register as an ECF filer, www.ca4.uscourts.gov.

Copies of any documents filed on appeal to date are accessible on the court's docket (if necessary, counsel may move to strike previously filed documents and file new documents on behalf of the defendant).

Record: Counsel should register for and use a separate, fee exempt PACER account in CJA cases. Go to: <http://www.pacer.gov> to register. The district court's PACER docket and electronic documents are accessible through a link to the district court docket from the appellate docket. The "Create Appendix" option enables counsel to combine multiple documents into one PDF record for printing or saving.

Presentence Report, Statement of Reasons, Transcripts: Since the presentence report and statement of reasons are sealed documents and the transcript is restricted from public access during the redaction period, counsel may need to make special arrangements to obtain these documents. If not available from former counsel, the documents can be obtained from the district court. (See [Record Access for New Appellate Counsel](#)). The Fourth Circuit's appointment deputy, Lisa McFarland, can also assist counsel in obtaining record items.

CONTACT INFORMATION:

Former counsel: John Scott Coalter
 COALTER LAW P.L.L.C
 910 North Elm Street
 Greensboro, NC 27401
 336-275-5885

Defendant: BRIAN DAVID HILL - #29947-057

Lisa McFarland, Deputy Clerk
804-916-2744

cc: John S. Brubaker
Anand P. Ramaswamy

SEALED & CONFIDENTIAL MATERIALS

Internet Availability of Docket & Documents

Fourth Circuit case dockets and documents are available on the Internet via the Judiciary's PACER system (Public Access to Court Electronic Records). The Fourth Circuit docket is available on the Internet even if the district court docket was sealed. If a party's name was sealed in the district court, it should be replaced by "Under Seal" or a pseudonym on appeal.

Due to the electronic availability of court documents, the federal rules prohibit including certain personal data identifiers in court filings. In addition, parties should not include any data in their filings that they would not want on the Internet. Counsel should advise their clients on this subject so that an informed decision can be made. Responsibility rests with counsel and the parties, not with the clerk.

Documents filed by the parties in immigration and social security cases are not accessible over the Internet to the public. In immigration and social security cases, public Internet access is limited to the court's docket, orders, and opinions.

Federal Rules of Procedure

The federal rules of procedure require filers to redact any of the following personal data identifiers (PDIs) if included in court filings: (1) social security and tax ID numbers must be limited to last four digits; (2) minor children must be identified by their initials only; (3) dates of birth must show the year only; (4) financial account numbers must be limited to the last four digits only; and (5) home addresses in criminal cases must be limited to city and state only. The federal rules establish limited exceptions to these redaction requirements. See Fed. R. App. P. 25(a)(5); Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037

Judicial Conference Privacy Policy

In addition, the judiciary's regulation on [Privacy Policy for Electronic Case Files](#) prohibits filers from including any of the following criminal documents in the public file: (1) unexecuted summonses or warrants; (2) bail or presentence reports; (3) statement of reasons in judgment of conviction; (4) juvenile records; (5) identifying information about jurors or potential jurors; (6) CJA financial affidavits; (7) ex parte requests to authorize CJA services and (8) any sealed documents, such as motions for downward departure for substantial assistance, plea agreements indicating cooperation, or victim statements.

Local Rule 25(c)

Local Rule 25(c) limits the sealing of documents by requiring that sealed record material be separated from unsealed material and placed in a sealed volume of the appendix and by requiring the filing of both sealed, highlighted versions and public, redacted versions of briefs and other documents. Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Documents that were not sealed before the agency or district court will not be sealed in this court unless a motion to seal is filed and granted in this court.

Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Sealed Volume of Appendix

If sealed record material needs to be included in the appendix, it must be placed in a **separate, sealed** volume of the appendix and filed with a certificate of confidentiality. In consolidated criminal cases in which presentence reports are being filed for multiple defendants, each presentence report must be placed in a separate, sealed volume served only on Government counsel and counsel for the defendant who is the subject of the report.

- Use ECF event-**SEALED APPENDIX** to file sealed electronic appendix volume(s). Four sealed paper volumes must be sent to the court. For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the sealed appendix is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed appendix must be filed within 10 days. See Standing Order 14-01. Cover of sealed appendix volume must be marked SEALED, and paper

copies must be placed in envelopes marked SEALED. Sealed volume must be served on other parties in paper form.

- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. Paper copies of certificate of confidentiality must accompany the paper copies of the sealed appendix filed with the court.
- Use ECF event-**APPENDIX** to file public electronic appendix volumes(s). Six public paper volumes must be sent to the court (five if counsel is court appointed). For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the appendix is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the appendix must be filed within 10 days. See Standing Order 14-01. Paper copies of public volumes of appendix do not need to be served on other parties if they were served with full public appendix in electronic form.

Sealed Version of Brief

If sealed material needs to be referenced in a brief, counsel must file both a **sealed, highlighted version** of the brief and a **public, redacted version** of the brief, as well as a certificate of confidentiality.

- Use ECF event-**SEALED BRIEF** to file sealed electronic version of brief in which sealed material has been highlighted. Four sealed paper copies must be sent to the court. For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the sealed brief is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed brief must be filed within 10 days. See Standing Order 14-01. Cover of sealed brief must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed version must be served on other parties in paper form..
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. Paper copies of certificate of confidentiality must accompany the paper copies of the sealed brief filed with the court.
- Use ECF event-**BRIEF** to file public electronic version of brief from which sealed material has been redacted. Eight paper copies must be sent to the court (six if counsel is court appointed). For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the brief is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the brief must be filed within 10 days. See Standing Order 14-01. Paper copies of public brief do not need to be served on other parties.

Sealed Version of Motions and Other Documents

If sealed material needs to be referenced in a motion or other document, counsel must file both a **sealed, highlighted version** and a **public, redacted version**, as well as a certificate of confidentiality.

- Use ECF event-**SEALED DOCUMENT** to file sealed electronic version of document in which sealed material has been highlighted. First page of document must be marked SEALED. No paper copies need be filed, but other parties must be served in paper form.
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material.
- Use the appropriate ECF event (e.g., **MOTION** or **RESPONSE/ANSWER**) to file public electronic version of document from which sealed material has been redacted. No paper copies of public document are needed for filing or service.

Motions to Seal

Counsel should file a motion to seal if the material was not previously sealed by virtue of the Privacy Policy for Electronic Case Files, or by statute, rule, regulation, or order. Counsel should also file a motion to seal if it is necessary to seal the entire brief or motion and not possible to create a public, redacted version.

The motion to seal must appear on the public docket for five days; therefore, counsel must file both a **sealed, highlighted version** of the motion to seal (along with a certificate of confidentiality) and a **public, redacted version** of the motion to seal. The motion to seal must identify the document or portions thereof for which sealing is requested, the reasons why sealing is necessary, the reasons a less drastic alternative will not afford adequate protection, and the period of time for which sealing is required.

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

1100 East Main Street, Suite 501, Richmond, Virginia 23219

www.ca4.uscourts.gov

February 5, 2015

No. 15-4057

(1:13-cr-00435-WO-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRIAN DAVID HILL

Defendant - Appellant

DOCKETING NOTICE--CRIMINAL CASE

TO: Counsel

ATTACHMENT(S): Memorandum on Sealed and Confidential Information

DUE DATE: 14 days from this notice

- This case has been placed on the court's docket under the above-referenced number, which should be used on all documents filed in this case.
- Counsel should review the above caption and promptly bring any necessary corrections to the case manager's attention.
- In consolidated cases, filings should be made using all case numbers to which the filing applies, beginning with the lead case number.

- Electronic filing is mandatory for counsel in all Fourth Circuit cases. Information on obtaining an electronic filing account is available on the court's Internet site.
- In cases in which more than one attorney represents a party, future notices will be sent only to attorneys who have entered an appearance as counsel of record; other attorneys will be removed from the case.
- Counsel must remove from documents filed with this court any social security numbers, juvenile names, dates of birth, financial account numbers, home addresses in criminal cases, and protected information regarding unexecuted summonses, jurors, presentence investigations, statements of reasons in criminal judgments, and substantial assistance agreements. Any sealed material must be filed in accordance with the enclosed Memorandum on Sealed and Confidential Material. The court does **not** seal its docket; therefore, counsel must use sealed entries for all sealed filings.
- Initial forms must be filed as directed in the following table of forms. The forms, available through the links below or on the court's Internet site, can be completed online and saved for filing in electronic form.

Form:	Required From:	Due:
<u>Appearance of Counsel</u>	Counsel of record for any party to the appeal (If not admitted to this court, counsel must complete and submit an <u>application for admission</u> .)	Within 14 days of this notice
<u>Disclosure Statement</u>	All parties to a civil or bankruptcy case and all corporate defendants in a criminal case (not required from the United States, from indigent parties, or from state or local governments in pro se cases)	Within 14 days of this notice
<u>Docketing Statement</u>	Appellant's counsel	Within 14 days of this notice
<u>Transcript Order</u>	Appellant, only if ordering transcript	Attach to docketing statement
<u>CJA 24</u>	Appellant, only if transcript is at court expense under Criminal Justice Act	Attach to docketing statement

I will be the case manager for this case. Please contact me at the number listed below if you have any questions regarding your case.

Cathi Bennett, Deputy Clerk
804-916-2704

SEALED & CONFIDENTIAL MATERIALS

Internet Availability of Docket & Documents

Fourth Circuit case dockets and documents are available on the Internet via the Judiciary's PACER system (Public Access to Court Electronic Records). The Fourth Circuit docket is available on the Internet even if the district court docket was sealed. If a party's name was sealed in the district court, it should be replaced by "Under Seal" or a pseudonym on appeal.

Due to the electronic availability of court documents, the federal rules prohibit including certain personal data identifiers in court filings. In addition, parties should not include any data in their filings that they would not want on the Internet. Counsel should advise their clients on this subject so that an informed decision can be made. Responsibility rests with counsel and the parties, not with the clerk.

Documents filed by the parties in immigration and social security cases are not accessible over the Internet to the public. In immigration and social security cases, public Internet access is limited to the court's docket, orders, and opinions.

Federal Rules of Procedure

The federal rules of procedure require filers to redact any of the following personal data identifiers (PDIs) if included in court filings: (1) social security and tax ID numbers must be limited to last four digits; (2) minor children must be identified by their initials only; (3) dates of birth must show the year only; (4) financial account numbers must be limited to the last four digits only; and (5) home addresses in criminal cases must be limited to city and state only. The federal rules establish limited exceptions to these redaction requirements. See Fed. R. App. P. 25(a)(5); Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037

Judicial Conference Privacy Policy

In addition, the judiciary's regulation on [Privacy Policy for Electronic Case Files](#) prohibits filers from including any of the following criminal documents in the public file: (1) unexecuted summonses or warrants; (2) bail or presentence reports; (3) statement of reasons in judgment of conviction; (4) juvenile records; (5) identifying information about jurors or potential jurors; (6) CJA financial affidavits; (7) ex parte requests to authorize CJA services and (8) any sealed documents, such as motions for downward departure for substantial assistance, plea agreements

indicating cooperation, or victim statements.

Local Rule 25(c)

Local Rule 25(c) limits the sealing of documents by requiring that sealed record material be separated from unsealed material and placed in a sealed volume of the appendix and by requiring the filing of both sealed, highlighted versions and public, redacted versions of briefs and other documents. Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Documents that were not sealed before the agency or district court will not be sealed in this court unless a motion to seal is filed and granted in this court.

Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Sealed Volume of Appendix

If sealed record material needs to be included in the appendix, it must be placed in a **separate, sealed** volume of the appendix and filed with a certificate of confidentiality. In consolidated criminal cases in which presentence reports are being filed for multiple defendants, each presentence report must be placed in a separate, sealed volume served only on Government counsel and counsel for the defendant who is the subject of the report.

- Use ECF event-**SEALED APPENDIX** to file sealed electronic appendix volume(s). Four sealed paper volumes must be sent to the court. For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the sealed appendix is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed appendix must be filed within 10 days. See Standing Order 14-01. Cover of sealed appendix volume must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed volume must be served on other parties in paper form.
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. Paper copies of certificate of confidentiality must accompany the paper copies of the sealed appendix filed with the court.
- Use ECF event-**APPENDIX** to file public electronic appendix volumes(s). Six public paper volumes must be sent to the court (five if counsel is court appointed). For briefing orders after September 1, 2014, in appointed counsel

and in forma pauperis cases, only 1 paper copy of the appendix is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the appendix must be filed within 10 days. See Standing Order 14-01.

Paper copies of public volumes of appendix do not need to be served on other parties if they were served with full public appendix in electronic form.

Sealed Version of Brief

If sealed material needs to be referenced in a brief, counsel must file both a **sealed, highlighted version** of the brief and a **public, redacted version** of the brief, as well as a certificate of confidentiality.

- Use ECF event-**SEALED BRIEF** to file sealed electronic version of brief in which sealed material has been highlighted. Four sealed paper copies must be sent to the court. For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the sealed brief is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed brief must be filed within 10 days. See Standing Order 14-01. Cover of sealed brief must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed version must be served on other parties in paper form..
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. Paper copies of certificate of confidentiality must accompany the paper copies of the sealed brief filed with the court.
- Use ECF event-**BRIEF** to file public electronic version of brief from which sealed material has been redacted. Eight paper copies must be sent to the court (six if counsel is court appointed). For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the brief is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the brief must be filed within 10 days. See Standing Order 14-01. Paper copies of public brief do not need to be served on other parties.

Sealed Version of Motions and Other Documents

If sealed material needs to be referenced in a motion or other document, counsel must file both a **sealed, highlighted version** and a **public, redacted version**, as well as a certificate of confidentiality.

- Use ECF event-**SEALED DOCUMENT** to file sealed electronic version of document in which sealed material has been highlighted. First page of document must be marked SEALED. No paper copies need be filed, but

other parties must be served in paper form.

- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material.
- Use the appropriate ECF event (e.g., **MOTION** or **RESPONSE/ANSWER**) to file public electronic version of document from which sealed material has been redacted. No paper copies of public document are needed for filing or service.

Motions to Seal

Counsel should file a motion to seal if the material was not previously sealed by virtue of the Privacy Policy for Electronic Case Files, or by statute, rule, regulation, or order. Counsel should also file a motion to seal if it is necessary to seal the entire brief or motion and not possible to create a public, redacted version.

The motion to seal must appear on the public docket for five days; therefore, counsel must file both a **sealed, highlighted version** of the motion to seal (along with a certificate of confidentiality) and a **public, redacted version** of the motion to seal. The motion to seal must identify the document or portions thereof for which sealing is requested, the reasons why sealing is necessary, the reasons a less drastic alternative will not afford adequate protection, and the period of time for which sealing is required.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
APPEARANCE OF COUNSEL FORM

BAR ADMISSION & ECF REGISTRATION: If you have not been admitted to practice before the Fourth Circuit, you must complete and return an [Application for Admission](#) before filing this form. If you were admitted to practice under a different name than you are now using, you must include your former name when completing this form so that we can locate you on the attorney roll. Electronic filing by counsel is required in all Fourth Circuit cases. If you have not registered as a Fourth Circuit ECF Filer, please complete the required steps at www.ca4.uscourts.gov/cmecftop.htm.

THE CLERK WILL ENTER MY APPEARANCE IN APPEAL NO. _____ as

☐ Retained ☐ Court-appointed(CJA) ☐ Court-assigned(non-CJA) ☐ Federal Defender ☐ Pro Bono ☐ Government

COUNSEL FOR: _____ as the
(party name)

appellant(s) appellee(s) petitioner(s) respondent(s) amicus curiae intervenor(s)

(signature)

Name (printed or typed)

Voice Phone

Firm Name (if applicable)

Fax Number

Address

E-mail address (print or type)

OR, I, _____, **AM NOT PARTICIPATING IN THIS CASE.**
(Name)

APPELLATE COUNSEL IS: _____.
(Name) (Phone)

CERTIFICATE OF SERVICE

I certify that on _____ the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

Signature

Date

IN THE UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,	:	
Appellee	:	
	:	
v.	:	No. 15-4057
	:	
BRIAN DAVID HILL	:	
Appellant	:	

MOTION TO DISMISS APPEAL

COMES NOW the United States of America, by and through Ripley Rand, United States Attorney for the Middle District of North Carolina, through his assistant, Anand P. Ramaswamy, to file this Motion to Dismiss Appeal. The Appellant has failed to give notice of appeal within the time limits set out in Fed.R.App.P. 4(b)(1)(A). The Appellant has failed to give notice of appeal within fourteen days of the entry of judgment, and has entered his filing beyond the extension of time available pursuant to Fed.R.App.P. 4(b)(4)(Thirty day extension available for good cause or excusable neglect). Therefore, the government submits the appeal should be dismissed. The government also respectfully requests that any briefing order(s) in this case be suspended pending the Court's ruling on this Motion.

SUMMARY OF RELEVANT FACTS

Defendant Brian David Hill ("Hill") was indicted by a federal grand jury in the Middle District of North Carolina on November 25, 2013, for one count of possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(b) and (b)(2). (ECF Docket#1 in Case 1:13CR435-1). On June 10, 2014, Hill entered a plea of guilty to Count One of the Indictment. (ECF Docket#20, Docket entry on 6/10/14). When the case was called for sentencing on September 30, 2014, Hill's attorney was allowed to withdraw as Hill's counsel, a new attorney was appointed, and the sentencing date was continued. On November 10, 2014, Hill was sentenced to 10 months and 20 days imprisonment, but not less than time served. (Docket Entry dated 11/10/14). Judgment was entered on November 12, 2014. (Docket Entry no. 54). In a pro se motion dated January 12, 2014 and docketed January 15, 2014, Hill requested that the district court extend the time in which an appeal could be filed, and Hill included a notice of appeal. (ECF Docket#55). The district court denied Hill's motion to extend the time to file appeal, in an order filed on January 16, 2014. (ECF Docket#57). The district court noted in that order that Hill had been advised at sentencing that Hill had 14 days within the entry of the written judgment to file notice of appeal, and that the farthest that the court *could* extend the filing date would be December 29, 2014. ((ECF Docket#57)).

ARGUMENT

Fed. R. App. P. 4(b)(1)(A)(i) provides that a defendant's notice of appeal in a criminal case must be filed within fourteen days of the entry of the judgment. Further, Fed. R. App. P. 4(b)(4) provides that, upon a finding of excusable neglect or good cause, the district court may extend the time limit up to an additional 30 days. Therefore, added together, the maximum period allowable is 44 days.

Appeal periods are not jurisdictional in criminal cases, but are court-prescribed "claims-processing rules" that do not affect this court's subject matter jurisdiction. See *Rice v. Rivera*, 617

F.3d 802, 810 (4th Cir.2010) (stating that non-statutory claim-processing rules are not jurisdictional); *United States v. Urutyan*, 564 F.3d 679, 685 (4th Cir.2009) ("[T]he non-statutory time

limits in Appellate Rule 4(b) do not affect subject matter jurisdiction."). The time bar in Rule 4(b) must be enforced when properly invoked by the government. *United States v. Mitchell*, 518 F.3d 740, 744, 750 (10th Cir.2008). Here, Defendant Hill's judgment was entered on November 12, 2014. His pro se notice of appeal was mailed on January 12, 2014, which was 61 calendar days after the judgment was entered. As the district court noted, even if the maximum extension had been granted and allowing for a holiday not counted, Defendant's appeal is still 14 days late. Thus, his notice of appeal was filed beyond the maximum period allowable. Because Defendant failed to file a timely notice of appeal, the government contends

that the appeal should be dismissed as untimely under Rule 4(b).

CONCLUSION

The United States respectfully submits that Defendant's appeal should be dismissed as untimely. The government also respectfully requests that any briefing order(s) in this case be suspended pending the Court's ruling on this Motion. The undersigned has contacted Appellant's counsel, Mark A. Jones, who indicates he objects to the government's motion.

This the 5th day of February, 2015.

Respectfully submitted,

RIPLEY RAND
United States Attorney

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 5, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF user:

Mark A. Jones, Esquire

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**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**
1100 East Main Street, Suite 501, Richmond, Virginia 23219

February 5, 2015

RESPONSE REQUESTED

No. 15-4057, US v. Brian D. Hill
1:13-cr-00435-WO-1

TO: Mark A. Jones

RESPONSE DUE: 02/20/2015

Response is required to the motion to dismiss appeal. Response must be filed by the response due date shown in this notice.

Cathi Bennett, Deputy Clerk
804-916-2704